

REMARKS

Claims 1 to 10 are in the application.

As a result of the foregoing Amendment, the specification and claims have been amended.

Specifically, the references to claim numbers have been removed from the specification and the language objected to by the Examiner has been removed from the claims.

Also, references to claim numbers have been eliminated.

Reconsideration and withdrawal of the rejection of the claims under 35 U.S.C. 102(b) as being anticipated by Shiromura, are respectfully requested.

The reference to Shiromura discloses a bow referred to by reference numeral 7, wherein the bow includes a metal portion. This metal portion is constructed as a round pipe and includes the sections 7a which end in lateral pivoting bodies 12. These pivoting bodies 12, in turn, can be supported in shaft-like sleeves 12a and can be pivoted relative to the sleeves 12a about the axis B or b.

Consequently, this axis B constitutes the connection between the lateral components and the middle components. However, the axis extends in the direction of travel of the vehicle, i. e., precisely as described in the present application with respect to the prior art.

Also, the additional axis A extends transversely of the travel direction and is constructed as an additional screw.

While, as illustrated in Fig. 3 of the reference, a holding claw 15a is located in the longitudinal direction of the bow, however, the claw 15a extends also not parallel to the extension of the roof covering, but at a right angle thereto. In addition, these are not fastening means which extend through the middle portion and the lateral portions of the bow which would secure these components relative to each other.

The fastening means recited in the claims of the present application could only be considered equivalent to the axis B or b which connects the middle portions and the lateral portions of the bow to each other and secures them permanently relative to each other. However, the additional requirement to act as a pivoting axis, it is absolutely required that this connection can

engage in the transverse direction of the vehicle, thus, transversely of the extension plane of the roof covering, so that the reference clearly does not provide any suggestions for having the fastening means extend parallel to the plane of extension of the roof covering, as is the case according to the present invention.

Rather, the pivoting capability teaches inevitably away from the concept of the present invention as claimed.

As mentioned above, the claim now recites the connection between the middle portion and the lateral portions as being permanent and immovable in order to clearly distinguish the present invention over the prior art. The forth paragraph after the brief description of the drawing of the present application and, therefore, no new matter has been added.

Therefore, in view of the foregoing, it is submitted that this application is now in condition for allowance and such allowance is respectfully solicited.

Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

By: *FK*
Friedrich Kueffner
Reg. No. 29,482
317 Madison Avenue, Suite 910
New York, N.Y. 10017
(212) 986-3114

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450, on February 6, 2009.

By: *FK*
Friedrich Kueffner

Date: February 6, 2009